

Committee Room,  
Austin, Texas, May 31, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 11, A bill to be entitled  
"An Act to amend subdivision 5 of  
Article 7618 of the Revised Civil Stat-  
utes of 1911, as amended by Chapter  
124, page 190, General Laws, Regular  
Session, Thirty-fourth Legislature, ap-  
proved March 22, 1915, pertaining to  
the collection of delinquent and insol-  
vent taxes and making reports of same  
by county tax collectors."

And find the same correctly engrossed.  
SANFORD, Acting Chairman.

#### REPORT OF COMMITTEE ON EN- ROLLED BILLS.

Committee Room,  
Austin, Texas, May 31, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 41, "An Act prescribing  
the method of the county tax collector  
making remittances to the State Treas-  
urer or any other State officer, board,  
commission or employe of the State, and  
prohibiting the payment of exchange on  
any such remittances; providing that  
liability shall not cease until actual  
receipt of money, and declaring an emer-  
gency."

Have carefully compared same and  
find it correctly enrolled, and have this  
day, at 3 o'clock p. m., presented same  
to the Governor for his approval.

HENDRICKS, Chairman.

#### ELEVENTH DAY.

(Friday, June 1, 1923.)

The House met at 10 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Speaker Seagler.

The roll was called and the following  
members were present:

Amaler.	Beasley.
Arnold.	Bird.
Avis.	Blount.
Baldwin.	Bonham.
Barker.	Burmeister.
Barrett.	Cable.

Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Carter of Hays.  
Chitwood.  
Coffee.  
Collins.  
Cowen.  
Crawford.  
Culp.  
Davenport.  
Davis.  
DeBerry.  
Dielmann.  
Dodd.  
Downs.  
Driggers.  
Duffey.  
Dunlap.  
Dunn.  
Durham.  
Edwards.  
Fields.  
Fugler.  
Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Harris.  
Henderson.  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Houston.  
Howeth.  
Irwin.  
Jacks.  
Jennings.  
Johnson.  
Kemble.  
Lackey.  
Laird.  
Lane.  
LeMaster.  
LeSturgeon.  
Lewis.  
Loftin.  
Looney.  
McDaniel.  
McFarlane.  
McNatt.  
Martin.

Maxwell.  
Melson.  
Merritt.  
Montgomery.  
Moore.  
Morgan  
of Liberty.  
Morgan  
of Robertson.  
Pate.  
Patman.  
Patterson.  
Perdue.  
Pinkston.  
Pool.  
Pope.  
Potter.  
Price.  
Purl.  
Quaid.  
Quinn.  
Rice.  
Robinson.  
Rogers.  
Russell  
of Callahan.  
Sanford.  
Satterwhite.  
Shearer.  
Shires.  
Simpson.  
Smith.  
Sparkman.  
Stell.  
Stevens.  
Stewart  
of Edwards.  
Stewart  
of Galveston.  
Stewart of Jasper.  
Stewart of Reeves.  
Stiernberg.  
Storey.  
Thompson.  
Thrasher.  
Turner.  
Wallace.  
Wells.  
Westbrook.  
Wessels.  
Williamson.  
Wilmons.  
Winfree.  
Young.

#### Absent.

Baker of Milam.	Hull.
Baker of Orange.	McDonald.
Bell.	Mathes.
Bobbitt.	Rowland.
Covey.	Strickland.
Finlay.	Stroder.
Hardin of Kaufman.	Teer.
Hughes.	Vaughan.

## Absent—Excused.

Abney.	Lamb.
Atkinson.	Lusk.
Bryant.	McBride.
Carpenter	McKean.
of Dallas.	Merriman.
Dinkle.	Miller.
Faubion.	Russell of Trinity.
Frnka.	Sackett.
Harrington.	Sweet.
Jones.	Wilson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Dinkle for today and tomorrow, on motion of Mr. Beasley.

Mr. Carpenter of Dallas for today and tomorrow, on motion of Mr. Stewart of Galveston.

Mr. McBride for today, on motion of Mr. Howeth.

Mr. Harrington for today and tomorrow, on motion of Mr. Moore.

Mr. Faubion for today and tomorrow, on motion of Mr. Sanford.

Mr. Abney for today, on motion of Mr. Crawford.

Mr. Russell of Trinity for today and tomorrow, on motion of Mr. Young.

Mr. Miller for today, on motion of Mr. Patman.

Mr. Frnka for today, on motion of Mr. Patman.

On motion of Mr. Pope, Mr. McKean was excused for today on account of important business.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum until 12 m. today, and the motion prevailed.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read

severally first time, and referred to the appropriate committees, as follows:

By Mr. Melson and Mr. Pope:

H. B. No. 78, A bill to be entitled "An Act changing the method of managing the business affairs of the State; abolishing the State Board of Control; repealing all laws relating thereto, except as herein specially provided, and reviving any and all laws which now stand repealed by reason of the acts relating to such Board of Control, so as to impose the duties, function, powers and authority of the Board of Control and its members on the proper officials, boards and agencies; making provision for performance of certain services now performed by said Board of Control; enacting the necessary provisions to carry out the purpose of the act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Melson and Mr. Pope:

H. B. No. 79, A bill to be entitled "An Act abolishing the Board of Water Engineers of the State of Texas, and the offices of the members thereof; conferring the authority, powers, duties and functions of said board and members upon the State Reclamation Engineer of Texas; making available to the State Reclamation Engineer all appropriations for the Board of Water Engineers, or authorized to be expended by said board or the members thereof in the performance and exercise of the duties, powers, authority and functions transferred by this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Melson, Mr. Pope, Mr. Cable and Mr. Simpson:

H. B. No. 80, A bill to be entitled "An Act reapportioning certain authority, powers and functions as between the Commissioner of Agriculture of the State of Texas and the Agricultural and Mechanical College and its agencies relative to concentrated feed stuffs, commercial fertilizers, farmers' institutes, forestry protection, management and replacements, protection of honey bees against foul brood and other contagious diseases, and money collected by said commissioner or college or its

agencies; authorizing said commissioner and college to do any and all work necessary in the performance of their duties and functions, and for the further administration of this law, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope and Mr. Melson:

H. B. No. 81, A bill to be entitled "An Act relative to the fiscal affairs of the State government; providing for regular audits of the books, records and accounts of the State government through the Comptroller's Department and for special audits by the Governor; providing for the biennial budget to be furnished by the Governor and estimates and information to be furnished the Governor for that purpose; providing for careful audits of accounts by Comptroller before issuing warrants; providing against unlawful or fraudulent accounts being paid; requiring all accounts to be sworn to; declaring the rule of construction of appropriation acts as to priority of payment, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope and Mr. Melson:

H. B. No. 82, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department, and conferring all authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses, and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the Board of Agriculture and the Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking relative to warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature; conferring

power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapter 116 of the General Laws, Regular Session, Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture; providing that this act shall take effect September 1, 1923, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope and Mr. Melson:

H. B. No. 83, A bill to be entitled "An Act abolishing the Live Stock Sanitary Commission of the State of Texas and the office of each and every member thereof; conferring the authority, power, duties and functions of said Commission and the members thereof upon the Commissioner of Agriculture of the State of Texas; making available to the Commissioner of Agriculture all appropriations made by the Legislature for said Live Stock Sanitary Commission and the members thereof; conferring upon the Commissioner of Agriculture power to dispense with any of the work or employes where to do so would prevent duplication of work or contribute to efficiency and economy, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Melson and Mr. Pope:

H. B. No. 84, A bill to be entitled "An Act abolishing the State Mining Board and vesting its powers, duties, functions and authority and those of its members in the State Commissioner of Labor Statistics, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

#### RELATING TO NEW FANS FOR HAIL.

Mr. Jacks offered the following resolution:

Whereas, The electric fans now in

use in the House of Representatives are inadequate for keeping the Hall cool, and are also a source of annoyance to the membership in the discussion of matters under consideration, and

Whereas, The convenience and comfort of the members are necessary in performing their work for the citizens of the State; therefore, be it

Resolved, That the Contingent Expense Committee be authorized to purchase and have installed in the House of Representatives not to exceed nine ceiling fans, at a cost not exceeding \$430 exclusive of installation, said fans to be installed during the present Special Session of the Thirty-eighth Legislature, and in the shortest time possible.

Signed—Jacks, Purl, Green, Kemble, Collins.

The resolution was read second time.

Mr. Simpson moved to refer the resolution to the Committee on Contingent Expenses.

Mr. Jacks moved to table the motion to refer, and the motion to table was lost.

Question then recurring on the motion to refer, it prevailed.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Quaid, House bill No. 77 was ordered not printed.

#### RELATING TO TELEGRAPHIC EXPENSE.

Mr. Jacks offered the following resolution:

Whereas, The members of the Thirty-eighth Legislature are compelled to remain in Special Session for a prolonged period at great expense to the individual members; and

Whereas, Because of the prolonged session the private and personal business affairs of said members are being neglected, thus depriving the members of fees and revenues incident to such business; and

Whereas, The members are put to heavy telegraph expense in an effort to adjust their private business affairs; therefore, be it

Resolved, That each member of the House of Representatives be allowed telegraphic expense account in the sum of ten dollars, said telegraphic expense

account of the members to be paid out of the contingent expense of the Third Called Session of the Thirty-eighth Legislature, and the chairman of the House Committee on Contingent Expense be and is hereby authorized to draw warrants on the House contingent fund to cover such telegraphic expense of the individual members.

Signed—Jacks, Purl, Green, Kemble, Collins.

The resolution was read second time.

Mr. Bonham moved to table the resolution:

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—80.

Amsler.	Looney.
Arnold.	Martin.
Avis.	Mathes.
Barker.	Melson.
Barrett.	Merritt.
Beasley.	Moore.
Bird.	Morgan
Blount.	of Liberty.
Bonham.	Patman.
Burmeister.	Patterson.
Cable.	Perdue.
Carpenter	Pinkston.
of Matagorda.	Pool.
Carson.	Pope.
Chitwood.	Quaid.
Coffee.	Quinn.
Cowen.	Robinson.
Crawford.	Rogers.
Culp.	Russell
Davis.	of Callahan.
DeBerry.	Sanford.
Dielmann.	Satterwhite.
Dodd.	Shearer.
Downs.	Simpson.
Driggers.	Stell.
Duffey.	Stevens.
Dunn.	Stewart
Durham.	of Edwards.
Fields.	Stewart
Gipson.	of Galveston.
Green.	Stewart of Jasper.
Greer.	Stiernberg.
Hardin of Erath.	Storey.
Harris.	Thompson.
Henderson.	Thrasher.
of Marion.	Turner.
Hendricks.	Wallace.
Houston.	Westbrook.
Irwin.	Wessels.
Lackey.	Williamson.
Laird.	Wilmans.
Lane.	Winfree.
LeMaster.	Young.
LeSturgeon.	

## Nays—19.

Baldwin.	McDaniel.
Carter of Coke.	McFarlane.
Collins.	McNatt.
Davenport.	Maxwell.
Edwards.	Purl.
Fugler.	Shires.
Jacks.	Smith.
Jennings.	Stewart of Reeves.
Kemble.	Wells.
Loftin.	

## Present—Not Voting.

Mr. Speaker.      Howeth.

## Absent.

Baker of Milam.	Johnson.
Baker of Orange.	Lewis.
Bell.	Montgomery.
Bobbitt.	Morgan
Carpenter	of Robertson.
of Dallas.	Pate.
Carter of Hays.	Potter.
Covey.	Price.
Dunlap.	Rice.
Finlay.	Rowland.
Hardin	Sparkman.
of Kaufman.	Strickland.
Henderson	Stroder.
of McLennan.	Teer.
Hughes.	Vaughan.
Hull.	

## Absent—Excused.

Abney.	McBride.
Atkinson.	McDonald.
Bryant.	McKean.
Dinkle.	Merriman.
Faubion.	Miller.
Frnka.	Russell of Trinity.
Harrington.	Sackett.
Jones.	Sweet.
Lamb.	Wilson.
Lusk.	

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 5, to the Committee on Appropriations.

Senate bill No. 6, to the Committee on Appropriations.

## HOUSE BILL NO. 57 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 57, A bill to be entitled

"An Act extending for a period of five (5) years from the passage of this act all permits to prospect for oil and gas heretofore issued on State submerged lands, islands, bays, marshes, river bed channels and lakes, and providing that all permits hereafter issued shall be for a period of five (5) years; and providing that such permits shall be extended on the condition that the owner shall pay to the State annually in advance during the life of the permit the required sum or sums of money now provided by law, and that the owner of the permit shall drill, at the discretion of the Commissioner of the General Land Office such offset well or wells as may be necessary to protect the State's interest in the area included in the permit."

The bill having heretofore been read second time, with amendment by Mr. Turner pending.

On motion of Mr. Gipson, further consideration of the bill was postponed until 3 o'clock p. m. today.

## HOUSE BILL NO. 58 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 58, A bill to be entitled "An Act levying an occupation tax on persons, firms, corporations, associations, partnerships and persons operating under declarations of trust, engaged in the occupation of manufacturing, buying or selling goods, wares or merchandise, or following any profession where the person following same maintains an office in this State and receives compensation for personal services; providing that said tax shall be placed in the State Treasury, and to be collected through the county tax collectors; enacting the necessary provisions for carrying out the purposes of this act; providing for suits for such taxes, penalties and interest; prescribing penalties for pursuing occupation without paying such tax; exempting those engaged in such occupation who, under present laws, already pay an occupation tax on such occupation or business; exempting those engaged in mechanical or agricultural pursuits, and exempting occupations which, under the Constitution, the Legislature cannot tax; exempting any

occupation carried on in interstate commerce, and declaring an emergency."

The bill was read second time.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 58, page 2, Section 5, by adding the following: "provided, however, no one shall be required to pay this tax whose net earnings are less than \$500."

On motion of Mr. Burmeister, the amendment was tabled.

Mr. Culp offered the following amendment to the bill:

Amend House bill No. 58, page 2, line 18, after words "means" add the words "notary public or," and in line 19 strike out the words "maintains an office."

On motion of Mr. Burmeister, the amendment was tabled.

Mr. McFarlane offered the following amendment to the bill:

Amend House bill No. 58 by striking out line 24, page 1.

Mr. Burmeister moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—37.

Amsler.	LeMaster.
Arnold.	LeStourgeon.
Avis.	Lewis.
Baker of Milam.	McNatt.
Baldwin.	Martin.
Bonham.	Maxwell.
Burmeister.	Melson.
Carpenter	Montgomery.
of Matagorda.	Morgan
Carter of Hays.	of Liberty.
Chitwood.	Purl.
Dunlap.	Rice.
Edwards.	Russell
Green.	of Callahan.
Hardin of Erath.	Shearer.
Harris.	Smith.
Houston.	Stevens.
Howeth.	Stewart
Jacks.	of Galveston.
Kemble.	Stewart of Reeves.

Nays—63.

Barker.	Crawford.
Barrett.	Culp.
Beasley.	Davenport.
Bird.	Davis.
Cable.	DeBerry.
Carson.	Dielmann.
Carter of Coke.	Dodd.
Coffee.	Downs.
Collins.	Driggers.

Duffey.	Pinkston.
Dunn.	Pool.
Durham.	Pope.
Fields.	Quinn.
Fugler.	Robinson.
Greer.	Rogers.
Henderson.	Sanford.
of Marion.	Satterwhite.
Hendricks.	Shires.
Jennings.	Simpson.
Johnson.	Sparkman.
Lackey.	Stell.
Laird.	Stewart
Lane.	of Edwards.
Loftin.	Stewart of Jasper.
Looney.	Stiernberg.
McDaniel.	Storey.
McFarlane.	Thrasher.
Mathes.	Wallace.
Merritt.	Westbrook.
Moore.	Wessels.
Patman.	Williamson.
Patterson.	Wilmans.
Perdue.	Young.

Present—Not Voting.

Mr. Speaker.	Gipson.
	Absent.

Baker of Orange.	Morgan
Bell.	of Robertson.
Blount.	Pate.
Bobbitt.	Potter.
Carpenter	Price.
of Dallas.	Quaid.
Covey.	Rowland.
Cowen.	Strickland.
Finlay.	Stroder.
Hardin	Teer.
of Kaufman.	Thompson.
Henderson	Turner.
of McLennan.	Vaughan.
Hughes.	Wells.
Hull.	Winfree.
Irwin.	

Absent—Excused.

Abney.	McBride.
Atkinson.	McDonald.
Bryant.	McKean.
Dinkle.	Merriman.
Faubion.	Miller.
Frnka.	Russell of Trinity.
Harrington.	Sackett.
Jones.	Sweet.
Lamb.	Wilson.
Lusk.	

Mr. Carter of Coke moved the previous question on the pending amendment, and the main question was ordered.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—61.

Arnold.	Merritt.
Barker.	Moore.
Beasley.	Patman.
Bird.	Patterson.
Cable.	Perdue.
Carson.	Pinkston.
Carter of Coke.	Pool.
Coffee.	Pope.
Collins.	Price.
Cowen.	Quinn.
Culp.	Rice.
Davenport.	Robinson.
Davis.	Rogers.
DeBerry.	Russell
Dielmann.	of Callahan.
Dodd.	Sanford.
Fields.	Satterwhite.
Fugler.	Shires.
Gipson.	Simpson.
Green.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stevens.
Henderson.	Stiernberg.
of Marion.	Storey.
Hendricks.	Thrasher.
Irwin.	Turner.
Lackey.	Wallace.
Lane.	Westbrook.
Looney.	Wessels.
McDaniel.	Williamson.
McFarlane.	Young.
Mathes.	

## Nays—40.

Avis.	Laird.
Baker of Milam.	LeMaster.
Baldwin.	LeStourgeon.
Bonham.	Lewis.
Burmeister.	Loftin.
Carpenter	McNatt.
of Matagorda.	Martin.
Carter of Hays.	Maxwell.
Chitwood.	Melson.
Crawford.	Montgomery.
Downs.	Morgan
Driggers.	of Liberty.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Shearer.
Durham.	Smith.
Edwards.	Stewart
Harris.	of Edwards.
Houston.	Stewart
Howeth.	of Galveston.
Jacks.	Stewart of Jasper.
Johnson.	Stewart of Reeves.
Kemble.	

## Present—Not Voting.

Mr. Speaker.	Wilmans.
Amsler.	

## Absent.

Baker of Orange.	Hull.
Barrett.	Jennings.
Bell.	Morgan
Blount.	of Robertson.
Bobbitt.	Pate.
Carpenter	Potter.
of Dallas.	Rowland.
Covey.	Strickland.
Finlay.	Stroder.
Hardin	Teer.
of Kaufman.	Thompson.
Henderson	Vaughan.
of McLennan.	Wells.
Hughes.	Winfree.

## Absent—Excused.

Abney.	McBride.
Atkinson.	McDonald.
Bryant.	McKean.
Dinkle.	Merriman.
Faubion.	Miller.
Frnka.	Russell of Trinity.
Harrington.	Sackett.
Jones.	Sweet.
Lamb.	Wilson.
Lusk.	

Mr. McFarlane moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 59 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 59, A bill to be entitled "An Act to repeal Senate bill No. 281, enacted by the Regular Session of the Thirty-eighth Legislature, it being 'An Act releasing the inhabitants of and property in Hidalgo county for a period of twenty-five years from the payment of taxes levied for State purposes, because of great public calamities in said county, as provided in Section 10 of Article 8 of the State Constitution; and provided that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of the county to vote such bonds by or before October 1, 1924, said act shall become null and void, and said taxes collected in the usual manner and paid into the State Treasury, and providing an emergency,' and declaring an emergency."

The bill was read second time.

Mr. Montgomery raised a point of order on consideration of the bill on the ground that it does not come within the Governor's call.

The Speaker overruled the point of order.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 59, Section 1, by striking out the words "twenty-five years" and insert in lieu thereof the words "ten years," and by striking out the words "is repealed" at the end of Section 1.

Signed—Quinn, Patman.

Mr. Pope raised a point of order on consideration of the amendment on the ground that the amendment is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Montgomery moved that further consideration of the bill be postponed indefinitely.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 59, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called, and a quorum was announced present.

Mr. Quinn moved to table the motion to postpone indefinitely.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—31.

Avis.	Martin.
Barker.	McDaniel.
Cable.	Merritt.
Davis.	Patman.
DeBerry.	Perdue.
Dodd.	Pinkston.
Downs.	Pool.
Durham.	Quinn.
Fields.	Simpson.
Greer.	Sparkman.
Hardin of Erath.	Stell.
Howeth.	Stewart of Jasper.
Laird.	Wallace.
Lane.	Westbrook.
Looney.	Wilmans.

Nays—69.

Amsler.	McFarlane.
Arnold.	McNatt.
Baker of Milam.	Mathes.
Baldwin.	Maxwell.
Barrett.	Montgomery.
Beasley.	Moore.
Blount.	Morgan
Burmeister.	of Liberty.
Carpenter	Pate.
of Matagorda.	Patterson.
Carson.	Pope.
Carter of Coke.	Price.
Carter of Hays.	Purl.
Chitwood.	Quaid.
Cowen.	Rice.
Davenport.	Robinson.
Dielmann.	Rogers.
Driggers.	Russell
Duffey.	of Callahan.
Dunlap.	Sanford.
Edwards.	Satterwhite.
Fugler.	Shearer.
Gipson.	Shires.
Green.	Smith.
Harris.	Stevens.
Henderson.	Stewart
of Marion.	of Edwards.
Henderson	Stewart
of McLennan.	of Galveston.
Hendricks.	Stiernberg.
Houston.	Storey.
Irwin.	Thrasher.
Jacks.	Turner.
Jennings.	Wells.
Kemble.	Wessels.
Lackey.	Williamson.
LeMaster.	Winfree.
LeSturgeon.	Young.
Lewis.	

Present—Not Voting.

Mr. Speaker.	Collins.
Bird.	

Absent.

Baker of Orange.	Hull.
Bell.	Johnson.
Bobbitt.	McDonald.
Bonham.	Melson.
Carpenter	Morgan
of Dallas.	of Robertson.
Coffee.	Potter.
Covey.	Rowland.
Crawford.	Stewart of Reeves.
Culp.	Strickland.
Dunn.	Stroder.
Finlay.	Teer.
Hardin	Thompson.
of Kaufman.	Vaughan.
Hughes.	

Absent—Excused.

Abney.	Dinkle.
Bryant.	Faubion.



Frnka.  
Harrington.  
Jones.  
Lamb.  
Lusk.  
McBride.  
McKean.

Merriman.  
Miller.  
Russell of Trinity.  
Sackett.  
Sweet.  
Wilson.

Paired.

Mr. Loftin (present), who would vote "nay," with Mr. Atkinson (absent), who would vote "yea."

Question then recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—66.

Amsler.  
Arnold.  
Baker of Milam.  
Baldwin.  
Barrett.  
Beasley.  
Bell.  
Blount.  
Burmeister.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Carter of Hays.  
Cowen.  
Culp.  
Davenport.  
Dielmann.  
Dunlap.  
Edwards.  
Fields.  
Fugler.  
Gipson.  
Green.  
Hardin of Erath.  
Henderson.  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Houston.  
Irwin.  
Jacks.  
Jennings.  
Kemble.  
Lackey.  
Lane.  
LeStourgeon.

Lewis.  
McNatt.  
Mathes.  
Maxwell.  
Merritt.  
Montgomery.  
Moore.  
Morgan  
of Liberty.  
Patterson.  
Pope.  
Price.  
Quaid.  
Robinson.  
Rogers.  
Russell  
of Callahan.  
Sanford.  
Satterwhite.  
Shearer.  
Shires.  
Smith.  
Sparkman.  
Stewart  
of Edwards.  
Stewart  
of Galveston.  
Stiernberg.  
Storey.  
Stroder.  
Thrasher.  
Turner.  
Wells.  
Wessels.  
Williamson.  
Winfree.  
Young.

Nays—34.

Avis.  
Barker.  
Cable.  
Chitwood.

Davis.  
DeBerry.  
Dodd.  
Downs.

Driggers.  
Duffey.  
Dunn.  
Durham.  
Greer.  
Harris.  
Howeth.  
Laird.  
LeMaster.  
Looney.  
McDaniel.  
McFarlane.  
Martin.

Pate.  
Patman.  
Pinkston.  
Pool.  
Purl.  
Quinn.  
Simpson.  
Stell.  
Stevens.  
Stewart of Jasper.  
Thompson.  
Wallace.  
Westbrook.

Present—Not Voting.

Mr. Speaker.  
Bird.  
Crawford.

Perdue.  
Wilmons.

Absent.

Baker of Orange.  
Bobbitt.  
Bonham.  
Carpenter  
of Dallas.  
Coffee.  
Collins.  
Covey.  
Finlay.  
Hardin  
of Kaufman.  
Hughes.  
Hull.

Johnson.  
McDonald.  
Melson.  
Morgan  
of Robertson.  
Potter.  
Rice.  
Rowland.  
Stewart of Reeves.  
Strickland.  
Teer.  
Vaughan.

Absent—Excused.

Abney.  
Bryant.  
Dinkle.  
Faubion.  
Frnka.  
Harrington.  
Jones.  
Lamb.  
Lusk.

McBride.  
McKean.  
Merriman.  
Miller.  
Russell of Trinity.  
Sackett.  
Sweet.  
Wilson.

Paired.

Mr. Loftin (present), who would vote "yea," with Mr. Atkinson (absent), who would vote "nay."

Mr. Montgomery moved to reconsider the vote by which House bill No. 59 was postponed indefinitely, and to table the motion to reconsider.

The motion to table prevailed.

Reason for Vote.

It appears to me the bill seeks to impair a contract obligation, and is therefore unconstitutional.

HENDRICKS.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, June 1, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House that the Senate has  
passed

S. B. No. 5, A bill to be entitled  
"An Act making appropriations to pay  
salaries of judges, and the support of  
the Judicial Department of the State  
government for the two years beginning  
September 1, 1923, and ending August  
31, 1925."

S. B. No. 6, A bill to be entitled  
"An Act making appropriations to pay  
the salaries of officers and employes of  
certain eleemosynary institutions of  
the State and other expenses of main-  
taining and conducting them for the  
two fiscal years beginning September 1,  
1923, and ending August 31, 1925, as  
follows, to-wit: Confederate Woman's  
Home; State Confederate Home; State  
Lunatic Asylum; State Pasteur Insti-  
tute; Southwestern Insane Asylum;  
North Texas Hospital for the Insane;  
East Texas Hospital for the Insane;  
State Epileptic Colony; State Or-  
phan's Home; State Institution for  
Training Juveniles; Girls' Training  
School; State Colony for Feeble-  
minded; State Tuberculosis Sanato-  
rium; Hospital for Crippled Children;  
Deaf, Dumb and Blind Institute for  
Colored Youths; Northwest Texas In-  
sane Asylum; State Home for Depend-  
ent and Neglected Children, and declar-  
ing an emergency."

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

## RECESS.

On motion of Mr. Simpson, the House,  
at 12 o'clock m., took recess to 3 o'clock  
p. m. today.

## AFTERNOON SESSION.

The House met at 3 o'clock p. m., and  
was called to order by the Speaker.

HOUSE BILL NO. 57 ON ENGROSS-  
MENT.

The Speaker laid before the House,  
as postponed business, on its passage to  
engrossment,

H. B. No. 57, A bill to be entitled  
"An Act extending for a period of five  
(5) years from the passage of this act  
all permits to prospect for oil and gas  
heretofore issued on State submerged  
lands, islands, bays, marshes, river bed  
channels and lakes, and providing that  
all permits hereafter issued shall be for  
a period of five (5) years; and provid-  
ing that such permits shall be extended  
on the condition that the owner shall  
pay to the State annually in advance  
during the life of the permit the re-  
quired sum or sums of money now pro-  
vided by law, and that the owner of the  
permit shall drill, at the discretion of  
the Commissioner of the General Land  
Office, such offset well or wells as may  
be necessary to protect the State's  
interest in the area included in the per-  
mit."

The bill having been read second time  
on yesterday, with amendment by Mr.  
Turner, pending.

Mr. Stewart of Reeves offered the  
following amendment to the amend-  
ment:

Amend amendment to House bill No.  
57, page 171 of Journal, Section 2, line  
3, after the words "lands" add the  
words "that are unsold."

The amendment was adopted.

Mr. LeSturgeon offered the following  
amendment to the amendment:

Amend amendment, page 171, line 8,  
by striking out the words "the required  
sum of 10 cents" and insert "the high-  
est possible lease rental determined by  
advertising for bids, and such rental  
to be not less than ten cents."

Mr. Shires offered the following  
amendment to the bill:

Amend House bill No. 57 by striking  
out the enacting clause.

Question recurring on the amendment  
by Mr. Shires, yeas and nays were de-  
manded.

The amendment was lost by the fol-  
lowing vote:

Yeas—42.

Avis.	Davis.
Barker.	Dodd.
Barrett.	Downs.
Cable.	Dunn.
Carpenter	Edwards.
of Matagorda.	Fugler.
Carter of Hays.	Gipson.
Coffee.	Hardin of Erath.
Collins.	Howeth.

Jennings.	Pool.
Laird.	Purl.
Lane.	Rice.
Looney.	Sanford.
McDaniel.	Shires.
Maxwell.	Stell.
Merritt.	Stevens.
Morgan	Stewart of Jasper.
of Liberty.	Stiernberg.
Pate.	Wallace.
Patterson.	Wessels.
Perdue.	Young.
Pinkston.	

Nays—57.

Amsler.	Martin.
Arnold.	Mathes.
Baker of Milam.	Melson.
Baldwin.	Montgomery.
Beasley.	Moore.
Bell.	Patman.
Blount.	Pope.
Bonham.	Price.
Burmeister.	Quaid.
Carson.	Robinson.
Carter of Coke.	Rogers.
Chitwood.	Russell
Crawford.	of Callahan.
Culp.	Satterwhite.
DeBerry.	Shearer.
Dielmann.	Simpson.
Driggers.	Smith.
Duffey.	Sparkman.
Dunlap.	Stewart
Fields.	of Edwards.
Greer.	Stewart
Henderson.	of Galveston.
of Marion.	Stewart of Reeves.
Hendricks.	Storey.
Houston.	Stroder.
Irwin.	Thrasher.
Lackey.	Turner.
LeStourgeon.	Westbrook.
Loftin.	Williamson.
McFarlane.	Wilmons.
McNatt.	Winfree.

Present—Not Voting.

Mr. Speaker.

Absent.

Baker of Orange.	Henderson
Bird.	of McLennan.
Bobbitt.	Hughes.
Carpenter	Hull.
of Dallas.	Jacks.
Covey.	Johnson.
Cowen.	Kemble.
Davenport.	LeMaster.
Durham.	Lewis.
Finlay.	McDonald.
Green.	Morgan
Hardin	of Robertson.
of Kaufman.	Potter.
Harris.	Quinn.

Rowland.	Thompson.
Strickland.	Vaughan.
Teer.	Wells.

Absent—Excused.

Abney.	Lusk.
Atkinson.	McBride.
Bryant.	McKean.
Dinkle.	Merriman.
Faubion.	Miller.
Frnka.	Russell of Trinity.
Harrington.	Sackett.
Jones.	Sweet.
Lamb.	Wilson.

Mr. Pate moved that further consideration of the bill be postponed until 11 o'clock a. m. today.

On motion of Mr. Turner, the motion to postpone was tabled.

Question recurring on the amendment by Mr. LeStourgeon, it was adopted.

Mr. Turner offered the following amendment to the amendment:

Amend amendment to House bill No. 57, Section 1, by striking out all after the word "law," in line 12, page 171, of the Journal, down to the end of the section.

The amendment was adopted.

Question then recurring on the amendment as amended, it was adopted.

Mr. Turner offered the following amendment to the bill:

Amend the caption of House bill No. 57 so as to read as follows:

"An Act extending for a period of five years from the passage of this act all permits to prospect for oil and gas heretofore issued on river beds and channels, fresh water lakes and islands therein, bays, marshes, reefs, salt water lakes, submerged lands, and on university lands, asylum lands and public school lands surveyed and unsurveyed, which are unsold at the time this act goes into effect; and providing that all permits hereafter issued thereon shall be for a period of five years, and may embrace an area of not exceeding sixteen sections of land of 640 acres each, or an area not exceeding 10,240 acres of such lands, in a solid body to any permittee; and providing the conditions of said permits, which are that such permits are extended or issued on the condition that the owner shall pay to the State annually in advance during the life of the permit, ten cents per acre, and that the owner of the permit shall drill at the discretion of the Commis-

sioner of the General Land Office such offset well or wells as may be necessary to protect the State's interest in the area included in the permit, and providing for an emergency."

The amendment was adopted.

House bill No. 57 was then passed to engrossment,

#### HOUSE BILL NO. 42 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

The bill was read second time.

On motion of Mr. Culp, further consideration of the bill was postponed until 3 o'clock p. m. next Wednesday.

#### HOUSE BILL NO. 60 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 60, A bill to be entitled "An Act amending Article 7542 as amended by the Acts of 1897, defining the duties of the tax assessor and his deputies, prescribing an oath to be administered to the taxpayers and those who render property for taxation, and providing a penalty for failure to comply with the requirements of this act."

The bill was read second time.

Mr. Wallace offered the following amendments to the bill:

Amend House bill No. 60 by striking out "the" in line 13 and substitute "be," and strike out "amendments" in line 14 and substitute "amended."

Amend House bill No. 6, page 1, Section 2, line 22, after the word "name," by inserting the following: "or for others, as the case may be, naming the person or firm for whom he rendered

the list," and further amend by striking out all of line 27 down to and including line 32, on page 1.

The amendments were severally adopted.

House bill No. 60 was then passed to engrossment.

#### HOUSE BILL NO. 61 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 61, A bill to be entitled "An Act to amend Article 7547 of the Acts of the Revised Civil Statutes as amended by the Acts of 1909, page 373, prescribing the duties of the owner or agent of property subject to taxation under the laws of this State, and requiring such person to render property for taxation, and providing a penalty for failure to comply with the provisions of this act."

The bill was read second time.

Mr. Wallace offered the following amendment to the bill:

Amend House bill No. 61, page 1, of the printed bill, by striking out all of lines 26, 27, 28, 29, 30, 31 and 32, and insert the following: "Provided, that if any person shall refuse or neglect to make out and render a list of his taxable property or shall fail or refuse to qualify to the truth of his statement of taxable property, or shall fail or refuse to subscribe to any oath or affirmation required by law in the rendition of taxable property, he shall, upon conviction, be fined in any sum not less than \$25 nor more than \$1000 or by imprisonment in the county jail for not less than one day nor more than six months or by both such fine and imprisonment."

The amendment was adopted.

House bill No. 61 was then passed to engrossment.

#### HOUSE BILL NO. 63 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act for the collection of inheritance taxes and empowering the Comptroller with authority to appoint suitable persons for that purpose, and providing for

their compensation; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 66 ON SECOND READING.

The Speaker laid before the House on its second reading and passage to engrossment,

H. B. No. 66, A bill to be entitled "An Act to provide for the levy and collecting of a severance tax of five per centum on and of the value of skins or hides taken within this State from any fur-bearing animals mentioned in this act; providing for the issuance of trappers' licenses and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof; providing certain closed seasons on certain wild fur-bearing animals; making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions; declaring all the wild fur-bearing animals of this State to be the property of the people of this State; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Young moved that further consideration of the bill be postponed indefinitely.

Mr. Baker of Milam moved to table the motion, and the motion to table was lost.

Question recurring on the motion to postpone indefinitely, it prevailed.

Mr. McFarlane moved to reconsider the vote by which the bill was postponed indefinitely, and to table the motion to reconsider.

Mr. McFarlane moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 66, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called, and developed the fact that there was not a quorum present.

#### ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

#### TWELFTH DAY.

(Monday, June 4, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Johnson.
Amsler.	Laird.
Avis.	Lane.
Baker of Milam.	LeMaster.
Baldwin.	Looney.
Barker.	McDaniel.
Barrett.	Martin.
Beasley.	Mathes.
Bell.	Maxwell.
Bird.	Melson.
Blount.	Merritt.
Bonham.	Moore.
Cable.	Morgan
Carpenter	of Robertson.
of Dallas.	Pate.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Coke.	Pinkston.
Carter of Hays.	Pool.
Chitwood.	Potter.
Cowen.	Price.
Crawford.	Purl.
Culp.	Quaid.
Davenport.	Rice.
Davis.	Robinson.
DeBerry.	Rogers.
Dodd.	Sanford.
Downs.	Satterwhite.
Driggers.	Shearer.
Duffey.	Shires.
Dunlap.	Simpson.
Dunn.	Sparkman.
Edwards.	Stell.
Faubion.	Stewart
Fields.	of Edwards.
Finlay.	Stewart
Fugler.	of Galveston.
Green.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Hardin of Erath.	Stiernberg.
Hardin	Storey.
of Kaufman.	Stroder.
Harris.	Teer.
Henderson.	Thrasher.
of Marion.	Turner.
Hendricks.	Wallace.
Howeth.	Westbrook.
Irwin.	Williamson.
Jennings.	Young.